

The Honorable Benjamin Settle
Trial Date: April 16, 2013

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

vs.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON
KRAUSE, SERGEANT MICHAEL
DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK, SHIRLEY SPENCER
and JOHN DOES ONE THROUGH TEN,

Defendants.

No. C11-5424BHS

DECLARATION OF SHIRLEY SPENCER
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

I, Shirley Spencer, declare under penalty of perjury under the laws of the State of
Washington that the following is true and correct.

1. I am sixty-nine years old and I am competent to make the following
declaration based upon my personal knowledge.

2. On or about August 29, 1984, I called Child Protective Services (CPS) in Vancouver, Washington, to report alarming statements that my then five-year old step-daughter, Kathryn Spencer, had made to me. Kathryn stated that her mother, father, brother, and an acquaintance of her father's, had all engaged in sexual contact with her. I called CPS because I was deeply concerned for the child's safety, particularly since she ~~had just returned~~ ^{was returning} to California to stay with her biological mother. Before calling CPS, I informed my husband, Clyde Ray Spencer, of the statements. S.S.

3. The following day, both my husband at the time, Mr. Spencer, and I, spoke with Detective Flood, who had called in regard to Kathryn's statements. Both Mr. Spencer and I recounted Kathryn's statements to Detective Flood. At the end of the conversation, Detective Flood requested that I ^{again S.S.} contact the local law enforcement agency and have them interview Kathryn. Mr. Spencer agreed that we should contact the local law enforcement agency pursuant to Detective Flood's suggestion. As a result, I contacted the Clark County Sheriff's Office on August 30, 1984.

4. In the following weeks, Mr. Spencer was investigated as a possible suspect. At that time, I believed that my husband was innocent. I accompanied him to meetings with the police, including a voluntary polygraph test, conducted on September 21, 1984. At that meeting I told Officer Krause that I found it very difficult to believe that the allegations against Mr. Spencer were true, that I never observed any action on his part which caused me concern, and that if I had, I would have been concerned for the safety of my four-year-old son, Matthew Hansen, and my grandchildren. I also told Officer Krause that because of all the trouble that had been caused by reporting Kathryn's statements, I wished that I had never said anything. I also told Officer Krause that the police should be going to Sacramento to

1 determine who had been abusing Kathryn because I was sure that my then-husband was not
2 guilty.

3 5. I accompanied Mr. Spencer to a second polygraph examination on September
4 24, 1984. The results from the first test had been inconclusive. While waiting for the
5 examination, I again stated to Officer Krause that I believed that he was innocent and that I
6 wished I had never said anything.

7 6. On December 27, 1984, I was asked to attend an interview with the City of
8 Vancouver Police Department for the purpose of determining Mr. Spencer's suitability to
9 continue his employment as a police officer. During that interview, I stated that I was
10 frustrated that Mr. Spencer had been wrongfully named as a suspect and that I was sure of his
11 innocence. *Id.* A true and correct copy of that Interview is attached hereto as **Exhibit A.**

12 7. On January 3, 1985, Mr. Spencer was charged in the Clark County Superior
13 Court with one count of statutory rape and one count of indecent liberties. Both charges
14 alleged that Mr. Spencer had sexually abused his daughter.

15 8. On February 3, 1985, Mr. Spencer and I got into a major argument. He stated
16 that he wanted a divorce and I became extremely upset because I did not want our relationship
17 to end. As a result, my two sons called the police. A true and correct copy of the Police
18 Report is attached hereto as **Exhibit B.**

19 9. Mr. Spencer moved out of the home after the argument. Around that time, I
20 noticed unusual behavior from my son from a previous relationship, Matthew Hansen. I spoke
21 with Officer Krause regarding my concerns and Matthew's behavior. After several requests
22 from Officer Krause, I agreed to allow the police to interview Matthew. I was not present
23 during that interview. However, after the interview, Officer Krause told me that Matthew had

1 stated that he had been sexually abused by Mr. Spencer. Officer Krause repeated the specifics
2 of the abuse that had occurred while Matthew and I were together, and Matthew agreed.

3 10. My divorce from Clyde Ray Spencer was finalized on July 11, 1986. At that
4 time, I was engaged in a romantic relationship with Sergeant Michael Davidson, who I had
5 come to know during the investigation of Clyde Ray Spencer. However, our relationship did
6 not begin until after Mr. Spencer entered an Alford plea to the charges against him.

7 I declare under penalty of perjury under the laws of the State of Washington that the
8 foregoing is true and correct.

9 Signed at Vancouver, Washington, this 28 day of March, 2012.

10
11 
12 SHIRLEY SPENCER
13
14
15
16
17
18
19
20
21
22
23

CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorney for Plaintiffs

Daniel T. Davies
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Email: dandavies@dwt.com

Attorney for Plaintiffs

Douglas H. Johnson
Kathleen T. Zellner
Law Offices of Kathleen T. Zellner, P.C.
Esplanade IV
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515
Email: dhjohnson43@aol.com
Email: kathleen.zellner@gmail.com

**Attorney for Defendants Clark County
Prosecutor's Office, Clark County
Sheriff's Office and Clark County**

Bernard F. Veljacic
Deputy Prosecuting Attorney
Clark County Prosecuting Attorney Civil
Division
604 W. Evergreen Blvd.
P.O. Box 5000
Vancouver, WA 98666-5000
Email: Bernard.Veljacic.@clark.wa.gov

Attorney for Defendant Peters

Daniel J. Judge
Attorney General's Office
7141 Cleanwater Drive SW
P.O. Box 40126
Olympia, WA 98504-0126
Email: danielj@atg.wa.gov

Attorney for Defendant Davidson

Jeffrey Freimund
Freimund Jackson & Tardif & Benedict
Garratt, PLLC
711 Capitol Way S Ste 602
Olympia, WA 98501-1293
Email: jefff@fjtlaw.com

Attorney for Defendant Krause

Guy M. Bogdanovich
Law Lyman Daniel Kamerrer &
Bogdanovich
PO Box 11880
Olympia, WA 98508-1880
Email: gbogdanovich@lldkb.com

Attorney for Defendant Shirley Spencer

William H. Dunn
Dunn Law Office
P.O. Box 1016
Vancouver, WA 98666
Email: dunnwh@pacifier.com

Attorney for Defendant Peters

Patricia C. Fetterly
Assistant Attorney General
Torts Division
P.O. Box 40126
Olympia, WA 98504-0116
Email: patriciafl@atg.wa.gov

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Attorney for Defendant Peters

Robert M. McKenna
Attorney General of Washington
Government Operations Division
7141 Cleanwater Drive SW
PO Box 40108
Olympia, WA 98504-0108

SIGNED this 29th day of March, 2012, at Seattle, Washington.


Lin Walker